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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,328	03/24/2000	Mark Web Helweg	116852.00003	2324
21324 7590 11/20/2007 HAHN LOESER & PARKS, LLP One GOJO Plaza Suite 300 AKRON, OH 44311-1076			EXAMINER HAMILTON, LALITA M	
			ART UNIT 3691	PAPER NUMBER
			NOTIFICATION DATE 11/20/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@hahnlaw.com
akron-docket@hotmail.com

Office Action Summary

Application No.

09/536,328

Applicant(s)

HELWEG, MARK WEB

Examiner

Lalita M. Hamilton

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

On January 2, 2007, an Office Action was sent to the Applicant rejecting claims 16-35. The Examiner of record has now changed. A non-final action follows.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 16-35 are rejected under 35 U.S.C. 102(e) as being anticipated by
Rebane (6,078,904).

Although the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action, the specified citations are merely representative of the teachings in the art as applied to the specific limitations within the individual claim. Since other passages and figures may apply to the claimed invention as well, it is respectfully requested that the applicant, in preparing the response, to consider fully the entire references as potentially teaching all of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the Examiner.

Rebane discloses a method for risk allocation and trading decisions comprising receiving, processing and communicating collection of price data for analysis and

making of a trading decision by an investor, receiving a collection data from a data source, processing said collection of price data to generate volatility-adjusted relative price data, and generating a plurality of price charts derived from said processing step, wherein at least one of said plurality of price charts includes a volatility-adjusted relative price chart representing a plurality of volatility-adjusted relative price data plotted within dynamic volatility intervals (Col.17, lines 10-46 and fig.6-12); displaying volatility-adjusted relative price chart on a display (Col.17, lines 10-46 and fig.6-12); volatility-adjusted relative price va~ chart is produced, at least in part, during said processing step by plotting y-axis data points as deviations of price above or below a floating axis for each unit of time on the x-axis, the floating axis defining a floating or relative horizontal axis representing a price function (F), and the y-axis price units being defined in terms of a dynamic and a vertical axis representing a price volatility interval function (I) resulting in and by plotting a plurality of said volatility-adjusted relative price data relative price values plotted with respect to said floating axis for each x-axis time unit and said vertical axis of said value chart (Col.17, lines 10-46 and fig.6-12); at least one of said plurality of price charts includes a price action profile which is derived from said volatility-adjusted relative price chart and wherein said price action profile is produced, at least in during said processing step by determining a trading frequency for said volatility-adjusted relative price data within each said dynamic volatility interval each relative price value plotted on said volatility-adjusted relative price value chart, by calculating determining a percentage for said trading frequency within each dynamic volatility interval with respect to a total sum of all said volatility-adjusted relative price

chart trading activity number of trades and by plotting said percentage associated with said trading frequency for each dynamic volatility interval to yield a distribution reflecting the volatility-adjusted relative price representing trading activity with dynamic volatility interval bell shaped chart (Col.17, lines 10-46 and fig.6-12); the display of showing said volatility-adjusted relative price chart and said price action profile proximately to one another on a display (Col.17, lines 10-46 and fig.6-12); display of said plurality of volatility-adjusted relative price data price action profile with a market status indicator identifying market valuation fair (Col.17, lines 10-46 and fig.6-12); the display of a plurality of charts with one or more comprising said volatility-adjusted relative price value in a plurality of time frames on a display (Col.17, lines 10-46 and fig.6-12); volatility-adjusted relative price data within each said dynamic volatility interval on said volatility-adjusted relative price chart is recorded only when a predetermined condition is met (Col.17, lines 10-46 and fig.6-12); the at least one price chart includes a conditional price action profile which is derived from said volatility-adjusted relative price chart and wherein said conditional price action profile is produced, at least in part, during said processing step by determining a trading frequency for said volatility-adjusted relative price data recorded within each said dynamic volatility interval, by determining a percentage for said trading frequency with respect to a total trading activity and by plotting said percentage associated with said trading frequency to yield a conditional relative frequency distribution (Col.17, lines 10-46 and fig.6-12); the volatility-adjusted relative price chart data from a plurality of markets are displayed in a form selected from the group consisting of tabular format, text format, or a graphical format (Col.17, lines

10-46 and fig.6-12); information derived from processing said collection of price data for output is used for further analysis within other market analysis algorithms (Col.17, lines 10-46 and fig.6-12); using information derived from a volatility-adjusted relative price chart to apply to absolute price charts (Col.17, lines 10-46 and fig.6-12); combining the information derived from the volatility-adjusted relative price chart with other market indicator information (Col.17, lines 10-46 and fig.6-12); the data derived from said price action profile for a plurality of markets are displayed in a tabular format, text format, or a graphical format (Col.17, lines 10-46 and fig.6-12); the display of said price action profile with a market status indicator identifying market valuation in terms selected from or related to fair value, overbought, overvalued, oversold or undervalued market conditions (Col.17, lines 10-46 and fig.6-12); combining the information derived from the price action profile with other market indicator information (Col.17, lines 10-46 and fig.6-12); showing said price action profile on a display (Col.17, lines 10-46 and fig.6-12); developing a plurality of price action profiles from a plurality of different time frames (Col.17, lines 10-46 and fig.6-12); the plurality of different price action profiles are selected from the group consisting of a single market and different markets (Col.17, lines 10-46 and fig.6-12); market valuation is set forth in terms selected from the group consisting of fair value, overbought and oversold market conditions (Col.17, lines 10-46 and fig.6-12).

Response to Arguments

Applicant's arguments with respect to claims 16-35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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LALITA M. HAMILTON
PRIMARY EXAMINER